



**MEETING OF OCTOBER 17, 2023**

**TO:** Mayor Jordan and City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director

**FROM:** Jessica Masters, Development Review Manager

**DATE:**

**SUBJECT:** **VAC-2023-0009: Vacation (280 E 12TH STREET/FHA DEVELOPMENT, 563): Submitted by FHA DEVELOPMENT, INC for property located at 280 E. 12TH ST. in WARD 1. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.40 acres. The request is to vacate a portion of an alley containing approximately 0.054 acres.**

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**RECOMMENDATION:**

Staff and Planning Commission recommends approval of VAC-2023-0009 as shown in the attached Exhibits 'A' and 'B', with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. A partial vacation shall be approved to remove the existing structure from the platted right-of-way, and to enable a future connection to still be made from E. 11th Street to E. 12th Street.
3. An easement for SWEPCO must be retained in the northeast corner of the site, approximately 20 feet wide by 15-foot deep as shown in the provided exhibit.

**BACKGROUND:**

The subject property is in south Fayetteville and contains two separate parcels that are owned by the Fayetteville Housing Authority and total approximately 0.40 acres (765-03340-000 and 765-03340-002). The site is developed with two three-family structures that were built around 1996. Those structures are existing non-conforming structures since the property is zoned NC, Neighborhood Conservation, a single-family residential district. A quit claim deed was filed in 1995 to close an existing 10-foot alley through the center of the property and a 20-foot street right-of-way along the eastern property line, but neither were formally vacated by the City Council.

*Request:* The applicant proposes to vacate 0.054 acres of right-of-way that currently makes up a 20-foot wide alley right-of-way along the eastern property line.

**DISCUSSION:**

At the September 25, 2023 Planning Commission meeting, a vote of 8-0-0 forwarded the request with a recommendation of approval, with conditions. After being asked by Commissioner Payne, the applicant verbally stated that they agreed to the condition requiring the approval of only a partial vacation.

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Mailing address:

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Fayetteville, AR 72701

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

Commissioners offered little additional comment, finding in agreement with staff's recommendation. In the interim, staff received notification from a different member of the applicant's team, one who had not attended the meeting, that they still intended for the request to reflect a vacation of the right-of-way in its entirety.

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF (#3), Applicant-Requested Exhibit A (#4), Applicant-Requested Exhibit B (#5), Planning Commission Staff Report (#6), SWEPCO Utility Approval - 280 E 12th Street Vacation (#7)

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VAC-2023-0009

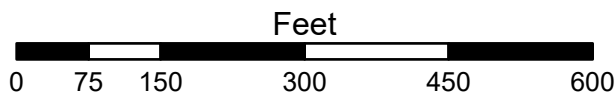
# 280 E 12TH ST

EXHIBIT 'A'

Close Up View



- Unclassified
- Alley
- Residential Link
- - - Planning Area
- ▭ Fayetteville City Limits
- - - Shared-Use Paved Trail
- - - Trail (Proposed)



1:2,400

- RSF-18
- RI-U
- RMF-24
- Downtown General
- Neighborhood Services - Ltd.
- Neighborhood Conservation
- P-1